



## Senate

General Assembly

February Session, 2006

**File No. 452**

Senate Bill No. 618

*Senate, April 10, 2006*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR THE  
CRIMINAL PROSECUTION OF OFFENSES INVOLVING THE SEXUAL  
ASSAULT OF MINORS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-193a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 Notwithstanding the provisions of section 54-193, no person may be  
4 prosecuted for any offense, except a class A felony, involving sexual  
5 abuse, sexual exploitation or sexual assault of a minor except within  
6 thirty years from the date the victim attains the age of majority or  
7 within five years from the date the victim notifies any police officer or  
8 state's attorney acting in such police officer's or state's attorney's  
9 official capacity of the commission of the offense, whichever is earlier,  
10 provided if the prosecution is for a violation of subdivision (1) of  
11 subsection (a) of section 53a-71, the victim notified such police officer  
12 or state's attorney not later than five years after the commission of the  
13 offense. The provisions of this section shall be applicable to any offense

14 committed on or after May 23, 2002, and to any offense committed  
15 prior to May 23, 2002, for which the statute of limitations in effect at  
16 the time of the commission of the offense had not yet expired as of  
17 May 23, 2002.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	54-193a

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### ***OFA Fiscal Note***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Various Criminal Justice Agencies	GF - Cost	Potential	Potential

Note: GF=General Fund

***Municipal Impact:*** None

#### ***Explanation***

The bill extends the statute of limitations under certain conditions, which could result in additional prosecutions for the crime of sexual offense involving the sexual assault of a minor. To the extent that offenders are subject to incarceration or probation supervision in the community as a result of the bill, a potential cost to criminal justice agencies exists. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

### ***The Out Years***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Various Criminal Justice Agencies	GF - Cost	Potential	Potential	Potential

Note: GF=General Fund

***Municipal Impact:*** None

**OLR Bill Analysis****SB 618*****AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR THE CRIMINAL PROSECUTION OF OFFENSES INVOLVING THE SEXUAL ASSAULT OF MINORS.*****SUMMARY:**

This bill makes the current statute of limitations for prosecuting sexual abuse, sexual exploitation, or sexual assault of a minor, except a class A felony, apply retroactively. However, the only past crimes covered are those for which the applicable statute of limitation had not expired on May 23, 2002. May 23, 2002 is the date the current statute of limitation took effect.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Current Statute of Limitation***

Generally, the statute of limitations for prosecuting sexual abuse, sexual exploitation, or sexual assault of a minor is 30 years after the victim reaches age 18, or up to five years from the date he notifies the police or a prosecutor of the crime, whichever is earlier. In cases of second-degree sexual assault where the victim is between ages 13 and 16 and the offender is more than two years older, the five-year notification period applies only if the notice is given within five years after the crime was committed. First-degree sexual assault and first-degree aggravated sexual assault, both class A felonies, may be prosecuted at any time (CGS § 54-193a).

***Immediate Past Statute of Limitation***

The prior statute of limitations was two years after the victim

reaches age 18 or up to five years from the date he notifies the police or a prosecutor of the crime. But in either case, at least five years after the crime was committed.

### ***Constitutionality of Retroactivity***

In a recent decision, the Connecticut Supreme Court overturned its decision in *State v. Paradise*, 189 Conn. 346 (1983) that statutes of limitations in criminal cases are to be construed liberally in favor of the accused and not accorded retroactive application in the absence of language clearly necessitating such a construction. Instead, the Court held that an amended statute of limitation applies to those offenses for which the pre-amendment limitation period had not expired (*State v. Skakel*, 276 Conn. 633 (2006)).

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea    38    Nay   0    (03/24/2006)